

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

BIO-RAD LABORATORIES, INC. and  
THE UNIVERSITY OF CHICAGO,

Plaintiffs,

V.

10X GENOMICS, INC.,

Defendant.

C.A. No. 15-152 (RGA)

**FILED UNDER SEAL**

**DECLARATION OF BRIAN E. FARNAN IN SUPPORT OF PLAINTIFFS’  
OPPOSITION TO DEFENDANT’S MOTION TO EXCLUDE TESTIMONY OF JAMES  
MALACKOWSKI AND TO EXCLUDE LOST PROFITS**

1. I am attorney with the law firm of Farnan LLP, counsel of record for Plaintiffs in the above-captioned matter. I submit this declaration based on personal knowledge, and if called upon as a witness, I could competently testify to the truth of each statement herein.

2. Attached hereto as Exhibit 1 are true and correct excerpts from the October 22, 2018 deposition of Joshua Shinoff.

3. Attached hereto as Exhibit 2 is a true and correct copy of the LinkedIn profile for Joshua Shinoff.

4. Attached hereto as Exhibit 3 is a true and correct copy of DAILY JOURNAL, *Experts discuss apportionment, patent eligibility, inter partes review, and the effects of 'T.C. Heartland,'* Dec. 22, 2017, <https://www.dailyjournal.com/articles/345409-intellectual-property-roundtable>.

5. Attached hereto as Exhibit 4 is a true and correct copy of the August 1, 2018 e-mail from Michael Bronson.

6. Attached hereto as Exhibit 5 is a true and correct copy of 10X's product brief for RDT 1000.

7. Attached hereto as Exhibit 6 is a true and correct copy of BioRad's product brochure for Real-Time PCR Amplification Instruments.

8. Attached hereto as Exhibit 7 are true and correct excerpts from the October 20, 2017 deposition of John Quackenbush, Ph.D.

9. Attached hereto as Exhibit 8 is a true and correct copy of Bio-Rad's February 10, 2017 Launch Announcement.

10. Attached hereto as Exhibit 9 is a true and correct copy of Bio-Rad's Competition and Customer Profile for ddSEQ.

11. Attached hereto as Exhibit 10 is 10X's Single Cell Competition Technology Review dated January, 2018.

12. Attached hereto as Exhibit 11 is a true and correct copy of a 10X document entitled Positioning 10X.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: October 26, 2018

/s/ Brian E. Farnan  
Brian E. Farnan